

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOEFFLER THOMAS P.C. f/k/a	:	
LOEFFLER THOMAS TOUZALIN LLP	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 15-5194
SIMON FISHMAN, ET AL.	:	

**ORDER**

**AND NOW**, this 11<sup>th</sup> day of April, 2016, upon consideration of the Motions to Dismiss filed by each of the named Defendants (ECF Nos. 4, 5, 6, 7, 8, 9, 10, 11),<sup>1</sup> and all documents submitted in support thereof, and in opposition thereto, it is **ORDERED** that the Motions are **GRANTED** in part, and **DENIED** in part, as follows:

1. Count 4 (breach of contract), Count 5 (account stated), and Count 6 (quantum meruit) with respect to the Third Circuit Appeal are **DISMISSED**.
2. Count 7 (breach of contract), Count 8 (account stated), and Count 9 (quantum meruit) with respect to the Stretton Matter are **DISMISSED**.
3. Count 10 (breach of contract), Count 11 (account stated), and Count 12 (quantum meruit) with respect to the Ferrara Matter are **DISMISSED**.
4. Count 13 (pre-judgment attachment of assets) is **DISMISSED**.

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<sup>1</sup> The following Motions to Dismiss were filed by Defendants: Samuel Fishman (ECF No. 4); Capital Car Co., Cars & Trucks, LLC, Seed Acquisitions, LLC, and Seed Acquisitions, Inc. (ECF No. 5); Law Office of Samuel Fishman, P.C. (ECF No. 6); Daniel Fishman (ECF No. 7); Eric Fishman (ECF No. 8); Eugene Reed (ECF No. 9); Miriam Fishman (ECF No. 10); and Simon Fishman (ECF No. 11).

5. The Motions to Dismiss are **DENIED** with respect to the claims related to the Capital Car Matter (Counts 1 through 3).

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "R. Surrick", is written over a light gray circular stamp.

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**R. BARCLAY SURRICK, J.**